

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA  
PHILADELPHIA DIVISION

In re: TIFFANY COLLEEN HEINLY	)	
<u>Debtor</u>	)	
	)	CHAPTER 13
MERCEDES-BENZ FINANCIAL	)	
SERVICES USA LLC	)	Case No.: 22-13435 (PMM)
<u>Moving Party</u>	)	
	)	<b>Hearing Date: 5-24-23 at 1:00 PM</b>
v.	)	
	)	11 U.S.C. 362
TIFFANY COLLEEN HEINLY	)	
<u>Respondent</u>	)	
	)	
KENNETH E. WEST	)	
<u>Trustee</u>	)	

**MOTION FOR RELIEF FROM THE AUTOMATIC STAY**

**TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:**

Comes now Mercedes-Benz Financial Services USA LLC (“Mercedes-Benz”) filing this its Motion For Relief From The Automatic Stay (“Motion”), and in support thereof, would respectfully show:

1. That on December 28, 2022, Tiffany Colleen Heinly filed a voluntary petition under Chapter 13 of the Bankruptcy Code.
2. This Court has jurisdiction of the Motion by virtue of 11 U.S.C. 105, 361, 362, and 28 U.S.C. 157 and 1334.
3. On September 6, 2021, the Debtor entered into a retail installment contract for the purchase of a 2019 Mercedes-Benz CLA 250 bearing vehicle identification number WDDSJ4GB2KN715152. The contract was assigned to Mercedes-Benz Financial Services and the Debtor became indebted to Mercedes-Benz in accordance with the terms of same. Mercedes-Benz Financial Services is designated as first lien holder on the title to the vehicle and holds a first purchase money security interest in the vehicle. A true copy of the contract and title inquiry to the vehicle are annexed hereto as Exhibits A and B.

4. The Debtor's account is past due from February 21, 2023 to April 21, 2023 with arrears in the amount of \$1,378.92

5. As of April 26, 2023, the Debtor's account with Mercedes-Benz had a net loan balance of \$22,367.34.

6. According to the April 2023 NADA Official Used Car Guide, the vehicle has a current retail value of \$22,925.00.

7. Mercedes-Benz Financial Services USA LLC alleges that the automatic stay should be lifted for cause under 11 U.S.C. 362(d)(1) in that Mercedes-Benz lacks adequate protection of its interest in the vehicle as evidenced by the following:

(a) The Debtor is failing to make payments to Mercedes-Benz and is failing to provide Mercedes-Benz with adequate protection.

(b) Mercedes-Benz has been unable to verify that the vehicle is insured; if the Debtor contests this Motion, she must provide Mercedes-Benz with proof of valid, current insurance on the vehicle by the date of the hearing.

WHEREFORE PREMISES CONSIDERED, Mercedes-Benz Financial Services USA LLC respectfully requests that upon final hearing of this Motion, (1) the automatic stay will be terminated as to Mercedes-Benz to permit Mercedes-Benz to seek its statutory and other available remedies; (2) that the stay terminate upon entry of this Order pursuant to the authority granted by Fed.R.Bank.P., Rule 4001(a)(3) and (3) Mercedes-Benz be granted such other and further relief as is just.

Respectfully submitted,

/s/ William E. Craig

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